App. F. IX-4

Previous References

1941 (RA)

RA File No. 97/Coorg

Serial Nos. ~~1 to 4~~ 2 to 11

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~1 to 4~~ 10

Part B for March 1941

SUBJECT.

P24/E

Returning Election Expenses.

Sl no 4 — To Messrs T. Abdul Rahaman Khan
— " — B.L. Narayanaswamy
— " — H. Siddanayappa
— " — T.C. Basavappa
— " — Gulam Abid

Sheet no RL 3303 dated 18-3-1941
States that Govt cannot tender advice regarding
the filing of the returning their election Expenses

P.T.O. for Sl no 11

WD 0573—GPB—22,500—12-9-39

2/4

S(no)II — Issued no RL 3371 dated 26-3-41.

The Deputy Commissioner Hassan ~~District~~

draws his attention to serial nos in which the views of Government on the several points raised in his letter re — return of election expenses.

Return of election expenses

1721 ∫ 1724 ∫ 1725 ∫ 1744

General and Revenue Secretariat
R. A. & L. C.

RA File No. of 1940-41 App. F. III-2

Serial No.	
2.	Letter no C.1 C.5-27/40-41 dated 5.3.1941 from The D.C. Chitaldrug Dt., Soliciting instructions, whether the Return of election expenses has to be lodged by Candidates who were declared elected under the provisions of Rule 101(1)(c2) of the RA. Rules, & who had withdrawn their Candidature or whose notices of Candidature were rejected.
3	2) Letter dated 2-3-1941 from Mr. J. Abdul Rahaman khan, Chikkamudvadi, Kankanhalli taluk, Soliciting instruction, Whether the Return of election of expenses has to be lodged by Candidates whose notices of Candidature were rejected.
	Letter dated 25.2.1941 from Mr B.L. Narayanaswamy, Srinivasapur, Soliciting instructions regarding the filing of the Return of election expenses.
4	3) Letter dated 6.3.1941 from Mr. H. Siddanagappa Advocate Hassan Soliciting instructions regarding the filing of election expenses by Candidates who have withdrawn their Candidature.
	1) Submitted for perusal.

NOTE—Contn. Sheet.

RETURN OF ~~EXT~~ ELECTION EXPENSES.

RA File No. of 1940.

General and Revenue Secretariat R. A. & L. C.

Serial No.

2) ~~Necessary~~ instructions are solicited on the following ~~grants~~ points –

Whether the Return of election expenses has to be lodged as required by Rules 165 (1) and 144 (1) of the R.A. and L.C. Rules respectively by the candidates ~~in~~ on the following circumstances:-

(1) Candidates who have been declared elected under the provisions of clauses (1) and (2) of Rule 101 and 81 of the R.A. and the L.C. Rules respectively.

(2) Candidates whose notices of candidature were rejected by the Returning Officers.

(3) Candidates who withdraw their candidature subsequent to ~~the~~ acceptance of nomination.

3) Kind reference is invited to the notes contained in para 11 and 12 of the notes supra in the linked file where-in, the points referred to above have been discussed and a Press Communique dated 22nd February 1941 has been issued drawing the attention of candidates to the rules in this behalf and the procedure regarding the filing of election expenses.

Rule 165 (1) of the R.A. Rules and 144 (1) of the L.C. Rules make it obligatory that every person who has stood as a candidate to lodge the Return of election expenses and according to clause (b) of Rule 170 of the R.A. Rules & Rule 149 of the L.C. Rules a candidate has been defined to mean a person who has stood or claims to have stood as a candidate at any election and a candidate who, with the election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;

4) In view of the 'definition' of the word "candidate"

Return of election expenses

1721 / 1724 / 1725 / 1746

General and Revenue Secretariat R. A. & L. C. | RA File No. of 1940-41 | App F. III-2

Serial No.

it appears as though every candidate who presented his notices of candidature before the ~~Returning~~ Returning Officers has to lodge the return of his election expenses irrespective of the fact whether his candidature was accepted or not.

X F

5) The Press Communique already issued in this matter on 22nd February 1941 would perhaps answer the doubts raised above and it is perhaps un-safe to give further interpretation in the matter and may perhaps be kept open for judicial decisions.

6) Submitted for orders.

DSO

11.3.41

7) The Deputy Commissioner, Chitaldrug, wants to know whether it is necessary for candidates who have withdrawn their candidatures or whose applications for candidature have been rejected to file returns of their expenses.

8) Rule 165 (1) of the Representative Assembly Rules lays down that "each person who stood as a candidate" should lodge a return of election expenses within 35 days from the date of the publication of the results of the election in the official Gazette. It is not possible to say whether such returns are required only from candidates in respect of whom a poll has been taken since in the contemplation of the law the process of election begins from the day that a notification calling upon the constituency to elect a member is issued. In British India there are one or two cases where it has

NOTE—Contn. Sheet.

4 Return of election expenses
1721/1724/1728/1764

RA File No. of 194 0-L-41

General and Revenue Secretariat R. A. & L. C.

Serial No.

been held that the liability to lodge a return does not attach to a candidate whose notice of candidature has been rejected. But the language of the corresponding British Indian rule is somewhat different from the language of our rule. There a return is required of "each person who has been nominated as a candidate" while in Mysore it is in respect of "each person who has stood as a candidate" that a return is to be lodged. The question whether a candidate whose notice has been rejected should lodge a return or not can only be determined by a judicial decision.

9) It does not appear to be necessary for purposes of discharging the Returning Officers' function that the exact scope of the rule should be defined, since he is not required by the rules to call upon the candidates to lodge a return of their ~~return~~ expenses. His function is merely ministerial and consists in accepting the returns as and when they are filed by the candidates.

OFFICE OF THE ... MAR 15 1941 No. 10,001

10) The Deputy Commissioner may be informed accordingly.

11) The private persons who have made similar enquiries may be informed that Government cannot advise them in the matter.

MRV 15/3

12) Law Secy)

13) I Member)

Hm 15/3/41

MRV 15/3

NLL 16/3/41

Hm 15/3

Issue letter today

MRV 17/3

Hm 17/3

6271 15/3

General and Revenue Secretariat
R. A. & L. C.

Return of election expenses by Candidates who were defeated or whose nomination papers were rejected

RA File No. 1768 / 1264 / 1790 of 1940 App. F III-2 5

Serial No.	
5	Letter No: D.C 3996/39-40 dated 10/3/1941 from the D.C. Hatton Dt., Soliciting instructions whether Candidates whose nomination papers were rejected & in cases where Candidates have withdrawn their nominations have to lodge the Return of election expenses.
6	Letter dated 8/3/1941 from Mr. J.C. Basappa, Jaffna, Soliciting instructions whether Candidates whose nomination papers were rejected have to lodge the return of election expenses.
7	Letter dated 12.3.1941, from Mr. H. Gulam Abid, Advocate, Chilaw acting for Candidates Soliciting instructions regarding the filing of the Return of election expenses.
15	As directed in paras 9, 10 & 11 of the notes - Supra, two drafts are put up for sgd. 17/3 appl. DSG 17.3.41 Law Secy. 17/3/41. issue 17/3
8	The D.C. Chilaw Dt. The D.C. Hatton Dt. Issued vide RL 3308-9 dated 13.3.1941

NOTE—Contn. Sheet.

6 Re. The filing of election expenses by candidates whose nomies of candidature were rejected

RA File No. 17Hlp/PR

General and Revenue Secretariat
R. A. & L. C.

Serial No.

States that the question whether a candidate should file his return of election expenses or not is ~~not one~~ which a matter for the consideration of judicial tribunals & that it is not necessary for govt to interpret the Rules in force in this behalf

Messrs T. Abdul Rahaman Khan
Kankanhalli
B. L. Narayanaswamy
Srinivasapur
H. Siddanagappa
Advocate Hassan
J. C. Basavappa
Dh. B.S. Member - Darwar
Gulam Abid
Advocate
Shimoga

Joint No RL 3.303 dated 18.3.1941
States that Govt can not render advice regarding the filing of the return of their election expenses.

OFFICE OF THE C...
...
...
29/3/1941

Notes Continued on Serial No 10.
(Page 2)

E. 1721/R1

7

Tel. Address :—Depcom.
CHITALDRUG.

In reply, please refer to :
No C1.C.527/40-41.
Enclosures :

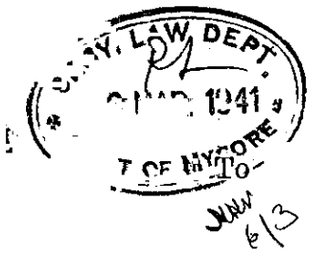
OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 5th March *194* 1

RA 97-40-2

FROM

R. P. MALLAPPA, ESQ., B.A., LL.B.,
Deputy Commissioner,
Chitaldrug District,
CHITALDRUG.



D.S.

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government of Mysore,
Law *Department,*
BANGALORE.

SIR,

SUBJECT : Return of election expenses for Representative Assembly in Form No.XIV.

I have the honour to invite kind reference to Rule 165(1) of the Representative Assembly Rules 1940, wherein it is provided that "within 35 days from the date of the publication of the result of election in the Official Gazette there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent"

2. From the above provision of law, it is obvious that the return of election expenses in Form No.XIV should be furnished by the candidates only in cases in which the elections were actually held and it appears, therefore, that no such statements are required to be furnished by candidates who have been declared elected under Rule 101 (1) and (2) of the R.A.Rules or who have withdrawn their candidature in time or whose applications for candidature have been rejected.

3. I may kindly be enlightened whether this view is correct

correct to enable me to take further action in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

JBR.

SECY. L.
Govt.
Paper 6/3

OFFICE OF THE
1726/
1941
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

9.

To

RA97-40-3

The Law Secretary,

to the Govt. of H.H. the Maharaja of Mysore,

B A N G A L O R E.

Sir,

There is considerable doubt regarding the question whether candidates whose notices of candidature have been rejected have to make a Return of the statement of accounts and declaration. I would be highly thankful to you if you can kindly let me know whether it is obligatory on the part of such candidates to furnish statement of accounts.

Thanking you in anticipation,

I remain,

Yours sincerely,

T. Abdul Rahaman Khan

Bangalore City,
2nd March, 1941.

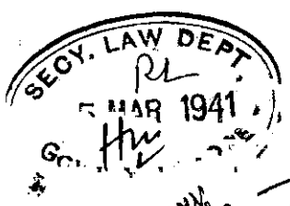
ADDRESS:

T. Abdul Rahman Khan,
Chikkamuduvadi, P.O.,
KANKANHALLI TALUK.

1728/41

10

From:- B. Le. Narayana Swamy
Srinivaspur
(Kolar District)
RA 97-40-3@.



To,
The Law Secretary
Govt. of Mysore
Bangalore

Respected Sir,

I humbly beg to request you to kindly favour me with your kind and marvelous advice in the following matter as early as possible.

I had signified my intention for candidature for the "Mysore Representative Assembly Elections" from Srinivaspur Rural Constituency, and this my application for candidature was rejected during Scrutiny of the same.

I find that the Rules relating to the filing of "Return" of Election Expenses are not clear to me

As such, I humbly request you will kindly cause

11 Cause you kind and
Marvelous advice to be
favoured to me at an early
date, whether I (whose -
application has been rejected to
during Scrutiny) should or
should not file the Return
of Election Expenses before
the Returning officer Concerned.

Thanking You in anticipation

Respected Sir

I beg to remain

Dear Your most obedt

Servant

E Veeraganabiah

25.2.64

Srinivaspur
Dt 25.2.64

A. G. Ramachandra Rao, B.A., LL.B.,
(Rashtrabhasha Visarad)
H. Siddananjappa, B.A., LL.B.,
Advocates

RL 1744

HASSAN 12

Date 6.3. 1941.

OFFICE OF THE REPRESENTATIVE OF THE LEGISLATIVE COUNCIL

RA 97-40-4

To,

The Law Secretary,
Government of Mysore,
Bangalore.

SECY. LAW DEPT. 8 MAR. 1941 GOVT OF MYSORE

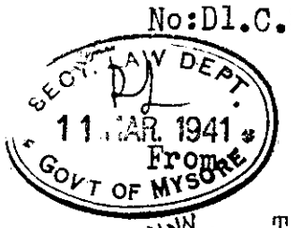
Sir,

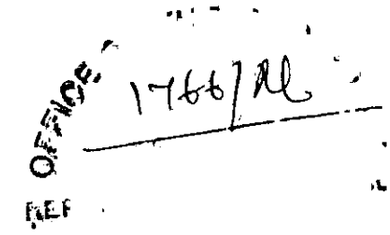
May it please you to let me know early if Candidates at the recent Election to the Legislative Council and Representative Assembly who have withdrawn their notices of candidature on the date appointed therefor are required, under the Election Rules, to submit a return of Election Expenses? As I happen to be a Candidate of the above description for the R. A. from the Hassan Town urban constituency, and as I am entertaining a doubt on the point, I am seeking enlightenment from you. Thanking you,

Yours faithfully,
H. Siddananjappa.
Advocate.
Hassan.

Office of the Deputy Commissioner,
Hassan District,

No:Dl.C.3596/39-40. Dated Hassan, the 10th March 1941.





T. Ramaiya, Esq., B.A., (Hons)

Deputy Commissioner, Hassan District.

RA97-40-5

To

H.V. Narayana Rao, Esq., B.A., LL.B.,

Secretary to Government, Law Department,

B a n g a l o r e.

Sir,

I have the honor to state that Rule 144 of the Legislative Council Rules and Rule 165 of the Representative Assembly Rules require that within 35 days from the date of the publication of the result of the election in the official Gazette there shall be lodged in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election Agent. A doubt has arisen whether under these rules a person who has presented a notice of candidature but subsequently withdrawn his candidature application within the prescribed time or whose candidature application has been rejected under the rules is also required to lodge a return of the election expenses with the returning officer. I request you to kindly issue definite instructions in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Hassan District.

Absent from Head quarters

as.

C. BASAPPA, B. A.,
DISTRICT BOARD MEMBER,
TARIKERE.

GOVT OF MYSORE

Date 6/3/41

RA97-40-6.

To,

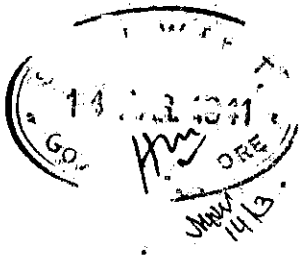
The Law Secretary,
To
The Govt. of H.H. The Maharaja of Mysore.
Bangalore.

Dear Sir,

Please let me know whether one, whose application for the Assembly or Legislative Council has been rejected by the Returning Officer for some technical defect, has to submit accounts to the Returning Officer? I request you to kindly furnish me with an early Reply. Thanking you

Yours faithfully
C. Basappa

RA 97-40-7 15



To

The Secretary to Govt,
Law Department,
Bangalore.

OFFICE 1790/102

Sir,

I request clarification for the following point:-

Whether a person who stands as a candidate to the Representative Assembly but withdraws before the scrutiny and does not contest the election, has to submit election expences!

Yours faithfully,
H. Gulam Ahmed.

Shimoga.
12.8.91.

My address.
H. Gulam Ahmed B.A (Hons) B.L.
Advocate,
Shimoga.

Appendix F G–1]
P. A. & L. C.

SUBJECT

Section RA

File No. 97/40 41

Serial No. 8

No. Rl 3308-9 dated 18th March 1941

Diary No. of letter replied to

To
1) The D. C. Chitaldrug Dt.
2) The D.C. Hassan Dt

General and Revenue Secretariat
R. A. & L. C.

( )

Sir,

With ref.ce to your letter No C.I.C. 527/40-41 dated 5th March 1941 D: D.I.C. 3596/39-40 dated 10.3.1941 Soliciting instructions, whether it is ~~necessary for Candidates~~ under the provisions of Rules 165(1) and 144(1) of the R. A. L. L.C. Rules respectively it is necessary for Candidates who have withdrawn their Candidature or whose applications for candidature have been rejected by the Returning officers to file returns of their expenses, I am directed to intimate that it is not necessary for purposes of discharging the

Date of issue 18-3-1941

Signed by Mr N.V. Narayana Rao and Mr M.K. Varadarajan.

List of enclosures

Copied by

Examined by

17

Returning officers' function that the exact scope of the Rules in this behalf should be defined, since he is not required by the rules in force to call upon the candidates to lodge a return of their expenses. I am to add that the function of the Returning officer is ~~merely Ministerial~~ simply in accepting the ~~Ret~~ such Returns as & when they are filed by the Candidates. The question whether a candidate whose notice of candidature has been rejected ~~or not~~ shd. lodge a return or not can only be determined by a Court of a judicial decision.

Secy to Govt
Land Depn
17/3/41.

Memo no: Pl 3310-23 dated 18th March 1941

Copy of the above is fo w.c.

to 1) the Dy: Comrs. of Dists.

2) the Regn. Officers of s/f. Constituencies for information.

B.O.

for Secy to Govt
Land Depn
17/3

Appendix F G–1]
P. A. & L. C.

SUBJECT

Section RA
File No. 97/604
Serial No. 9
No. RL 3303-7 dated 18th March 1941

Diary No. of letter replied to

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 18th March 1941

Signed by Mr H.V. Narayana Rao
and Mr M.K. Varadarajan.

To
1) J. Abdul Rahaman Khan Esq
Chikkamudiuvadi P.O.
Kankanhalli Taluk.
2) B.L. Narayanaswamy Esq
Srini Vasapura
(Kolar Dt)
3) H. Siddanayappa Esq
Advocate : BA LLB
Hassan.
4) T.C. Basappa Esq BA
Dt. Bd. Member.
Davangere
(Kadur Dt)
5) H. Gulam Abid Esq
BA. BL.
Advocate.
Shimoga

Sir,

In reply to your letters dated ..... requesting to be informed whether it is necessary for Candidates under the Rules in force

List of enclosures

Copied by

Examined by

19

who have withdrawn their candidature
or whose applications for candidatures
have been rejected of the Returning Officers
to file returns of
their expenses. I am directed
to intimate that Govt. cannot tender
advice ~~them~~ in the matter. ~~as~~
~~such questions can only be~~
~~determined by a judicial decision~~.

I have &c

H.M. 2/17/3/41

~~For~~ Secy to Govt
Law Dept
17/3
DR

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. Rl 3303-7/RA 97-40-9

Bangalore, dated 18th March 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

SIR,

In reply to your letter dated
requesting to be informed whether it is necessary under the Representative Assembly and the Legislative Council Rules in force for candidates who have withdrawn their candidature or whose applications for candidature have been rejected by the Returning Officers to file returns of their expenses, I am directed to intimate that Government cannot tender advice in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

M. K. Narasaraja Rao
for Secretary to Government,
Law Department.

HKR/

Mr. T. RAMAIYA, B.A. (HONS.),
Deputy Commissioner.

Hassan,
18th March 1941.

D. O. Acc. 3596/39

OFFICE OF C844/41
Hr. D.S.
20 MAR 1941

GOVT OF MYSORE
20 MAR. 1941
LAW DEPT.

RA97-40-10

Dear Sir,

I write to invite your kind reference to my letter No.D1-C.3596/39-40 dated the 10th instant requesting to be informed if the rule 144 of the Legislative Council rules and rule 165 of the Representative Assembly rules require that the candidates who withdrew their candidature application within the prescribed time or whose candidature applications were rejected under the rules should also lodge the return of election expenses with the returning officers concerned and request you to kindly issue necessary instructions in the matter very early.

Yours Sincerely,

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Govt. of Mysore,
Law Department,
BANGALORE.

A reply has already been sent to the D.C. Hassan Dt on 16.3.1941, regarding his query whether candidates whose notices of candidature were rejected have to lodge the return of their election expenses or not. There is perhaps no necessity to answer the reminder received in this behalf

24/3/41

He may be given a reply to said appeal.

Send with a draft letter to the D.C. Hassan for appeal.

Issued 26/3

Sent No. 3391 dated 26/3/1941

Serial no 11

22

Appendix F G–1]
P. A. & L. C.

SUBJECT

Section RA
File No. 97/0024.
Serial No. 11

No. RL 3371. dated 26th March 1941

To

The D. C. Hassan Dt.
Hassan

Diary No. of letter replied to

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 26.3.41

Signed by Mr. M. K. Vanadarajan

Sir,

~~With reference~~ to

Adverting to your letter No. Dlc 3596/39 dated 18/3/1941 in the matter of the lodging of the Return of the election expenses by Candidates whose nomination of candidature were rejected etc, I am directed to invite your attention to this office letter No RL 3308-9 dated 18.3.1941 ~~Copy Conveying~~ Conveying the views of Govt. on the several points raised by you

I have etc.

26/3

for Secy to Govt
Land Dept

List of enclosures

Copied by

Examined by

22

26th March 1941.

RL 337/RA97-40-11

The Deputy Commissioner,
Hassan District,
H a s s a n.

Adverting to your letter No. Dce.3596/39 dated 18th March 1941, in the matter of lodging of the Return of the election expenses by candidates whose notices of candidature were rejected etc., I am directed to invite your attention to this office letter No.Rl.3308-9 dated 18th March 1941 conveying the views of Government on the several points raised by you.

I have the honour to be,
Sir,
Your most obedient servant,

26/3
For Secretary to Government,
Law Department.

24

Tel. Address :—Depcom.
CHITALDRUG.

In reply, please refer to :
No C1.C.527/40-41
Enclosures :

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 17th March *1941* .

FROM

R. P. MALLAPPA, ESQ., B.A., LL.B.,
Deputy Commissioner,
Chitaldrug District,
CHITALDRUG.

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government of Mysore,
Law *Department,*
BANGALORE.

SIR,

SUBJECT : Return of election expenses for Representative Assembly in form No.XIV.

I have the honour to invite kind reference to this office letter No.C1.C.527/40-41 dated the 4th March 1941, requesting to be informed of the particulars candidates who have to file the return of election expenses in form No.XIV and to request the favour of an early reply.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug Dist.

MN

A reply has already been sent to the D.C. Chitaldrug on 18.3.1941 (7½Z) answering the points raised by him in his letter dated 4.3.1941 (F). A reminder has perhaps been issued by him since he did not perhaps receive this office letter within time. No further communication or action is perhaps necessary.

27/3/41

27/3